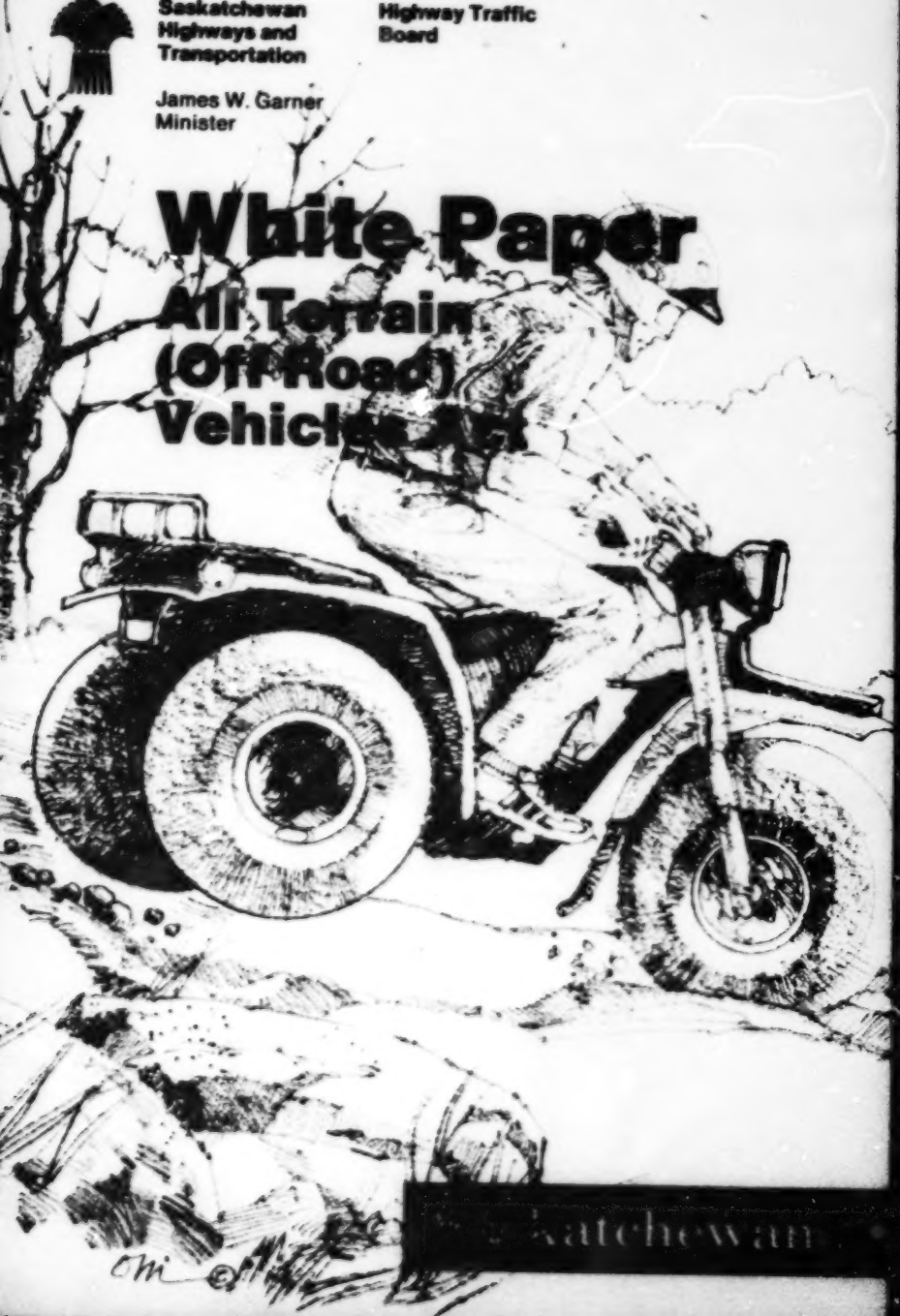
Saskatchewan
Highways and
Transportation

James W. Garner
Minister

Highway Traffic
Board

White Paper

All Terrain (Off Road) Vehicles



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Introduction

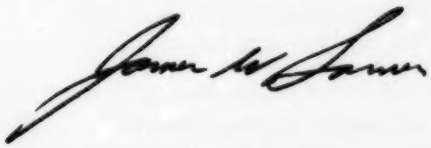
In recent years a broad range of new recreational vehicles have appeared on the market. These vehicles can be generally described as All Terrain Vehicles (A.T.V.s) because of their ability to operate over a variety of surface types and conditions.

Dirt bikes, for example, resemble conventional motorcycles except for their high clearance, special tires and the lack of standard accessories such as signal lights and horn. Others are more unconventional in size, design and appearance. They usually have three or four wide, flotation tires and are marketed primarily as a "go anywhere" recreational vehicle. New variations of this type of vehicle are appearing in dealer showrooms each year in Saskatchewan.

The growth in popularity of these vehicles has lead to a corresponding increase in accidents, resulting in property damage, injuries and fatalities. Because of the recreational nature of these vehicles, many accidents have involved children. For example, in the past three years, fourteen persons under the age of sixteen have died while operating all terrain type vehicles in the Province. In many cases the accident occurred when the vehicle was on or crossing a highway.

The Government of Saskatchewan is prepared to take steps to minimize damage to property and reduce the potential for injury and death. In keeping with the public consultative process, the specific measures to be taken must include input and discussion from everyone concerned. This white paper is intended to stimulate that discussion and to facilitate the submission and tabulation of public input.

Please take the time to fill out the attached questionnaire indicating your preferences, reaction and suggestions.



Hon. James W. Garner
Minister

Definition of All Terrain Vehicles (A.T.V.s)

It is important that everyone clearly understands what vehicles are under consideration when the term "All Terrain Vehicle" is used.

Vehicles considered to be **All Terrain Vehicles:**

— are self-propelled vehicles designed primarily for the movement of people and goods for off road use.

— have tracks or wheels in contact with the ground.

— do not exceed 300 kg (660 lbs.)

— include such vehicles as:

a) minibikes, dirt bikes and tricarts, which were labelled at time of manufacture as follows: "This vehicle is designed and manufactured for off the road use only. It does not conform to FMVSS and operation on public streets, road and highways is illegal".

b) competition motorcycles, which were labelled at time of manufacture as follows: "This vehicle is designed and manufactured for competition use only. It does not comply with FMVSS and is authorized for use in competition circuits".

c) vehicles such as golf carts.

d) home built or restructured vehicles which are designed or adapted for off-road use and which do not comply with provincial equipment standards for on highway use.

e) snowmobiles. It should be noted however, that there is legislation in place affecting the operation of snowmobiles. This legislation is also open for review during the consideration of proposed A.T.V. legislation.

Vehicles **not considered** to be All Terrain Vehicles include:

— self-propelled farm equipment

— industrial equipment

— motorized wheelchairs and other such vehicles transporting handicapped persons.

Areas of Concern

NOTE — It is **not** the intention of the government to introduce any legislation which would affect the use of A.T.V.s on private property owned by the A.T.V. owner.

At this time, the areas of concern are related to:

1) **Should there be a minimum age restriction for A.T.V. operators?**

   — Because of the number of serious accidents involving children operating A.T.V.s, the issue of age restriction must be considered. Persons under the age of 16 are not likely to have taken any form of driver training and therefore are less likely to fully understand basic traffic safety rules. As well, many A.T.V.s are capable of attaining speeds of up to fifty or sixty miles per hour. Both physical and judgmental maturity are essential to deal with motor vehicles at such speeds.

2) **Should there be a speed or power restriction based on the age of the operator?**

   — Some of the A.T.V.s on the market are very small and only capable of very limited speeds. These vehicles may pose less of a threat to younger operators provided they are operated in safe environments and under adult supervision. Provision could therefore be made for operation of limited speed A.T.V.s on designated A.T.V. trails, under parental supervision.

3) **Should A.T.V. operators be required to pass a test and hold a licence?**

   — The primary reason for licensing drivers is to provide assurance that they are capable of safely operating the vehicle and that they understand and can comply with all traffic safety rules. Persons operating on public property will come in contact with other members of the public. Therefore, they are under some obligation to minimize the risks they pose to themselves, to others and to public property. One way of enforcing this is to require A.T.V. operators to pass written and practical tests leading to the issuance of a licence.

4) **Should A.T.V. operators receive some form of training and if so, who might be able to provide such training?**

— Safe operation of A.T.V.s in a broad range of settings requires considerable knowledge and ability. As with driving a car, this knowledge and ability is not acquired spontaneously. The most efficient way of learning is through a formal training program where correct information and methods are presented and the student receives coaching and constructive feedback on errors or inadequacies.

The delivery of such training:

The school system might be seen as a logical place for the delivery of such training. It should be recognized however that the teaching staff are already under considerable pressure to cover more and more information in the classroom. It may be unrealistic to add even more demands to the curriculum.

5) **Should A.T.V.s be registered?**

— The main advantage of registration is related to vehicle identification for enforcement purposes. Stolen vehicles can be more easily traced if the vehicle identification number has been registered. Violators can also be more readily identified if their vehicle can be identified by a licence plate. In the case of A.T.V.s this becomes increasingly important since police would seldom be able to pursue and actually apprehend violators unless the police themselves were operating similar vehicles.

6) **Should A.T.V.s be insured?**

— The requirement to carry insurance when operating vehicles on public property has been established primarily for the protection of other members of the public. It also has the effect of protecting the vehicle owner from potentially devastating civil litigation and providing a convenient method of protecting himself from losses associated with the theft or damage of his vehicle.

Currently, vehicle registration and basic insurance go hand in hand with highway vehicles and snowmobiles licensed by the Highway Traffic Board and insured under the Automobile Accident Insurance Act administered by S.G.I. This approach could readily be extended to include A.T.V.s.

7). **What rules should apply to operation of A.T.V.s on private property not owned by the A.T.V. owner?**

— Unlike the operation of snowmobiles over snow covered fields, the operation of A.T.V.s over land which may have valuable crops seeded and growing can cause immediate and significant damage. Should there be increased onus on the part of the A.T.V. owner to seek permission of the private land owner before operating on private property?

The presence or absence of a requirement to seek landowner permission would, of course, be independent of civil action which the landowner might take related to damage of property or crops.

8) **What rules should apply to operation of A.T.V.s on public property such as in parks and ditches?**

— Rules of the road are primarily intended to facilitate safe and orderly traffic flow. They also create punishable offences for people who disobey the rules and endanger themselves or other road (trail) users. In the case of A.T.V.s, the rules could include:

a) the observation of speed limits and travel at a safe speed considering the circumstances
b) yield to pedestrians
c) yield to vehicles approaching from the right
d) pass on the left
e) move to the right when meeting
f) use of headlights at night
g) stop and discharge all passengers before crossing highways
h) signal abrupt turns
i) drive with due care and attention considering the safety of other road (trail) users
j) stop on instruction or signal of police officer
k) report property damage to owner
l) report injury and fatal accidents
m) refrain from travel on public property where A.T.V. travel is prohibited.

9) **Should there be any form of noise control?**

— The problem of noise pollution in parks and on public

property adjacent to residential areas can be a concern to the public. All A.T.V.s are manufactured with adequate mufflers to minimize noise problems. A.T.V. owners need only maintain the muffler equipment at near factory standards to avoid creating unnecessary noise and concern.

10) **What equipment should A.T.V. operators wear?**

— Helmets, face shields and eye protection are commonly recognized as effective devices that minimize injuries to operators and passengers of "open cockpit" type vehicles such as motorcycles and snowmobiles. Similarly, in "closed cockpit" vehicles including four wheel vehicles with roll bars, seat belts greatly reduce the risk of ejection and crushing during roll over.

11) **What should the penalties be for violations of the legislation?**

— The penalty structure should be consistent with penalties for other offences and with the seriousness with which society views offences. While the courts ultimately determine the specific penalty for any given violation, a range of penalties is normally defined within the legislation. For example, the Vehicles Act provides for fines of up to $1000. The Snowmobile Act on the other hand provides for fines up to $100 for a first offence and up to $200 for second and subsequent offences.

12) **Although snowmobile operation is already covered by legislation, are there changes which should be made in that legislation since the A.T.V. Act and Snowmobile Act could logically be integrated into a single act?**

— The Snowmobile Act has been in place since 1973. While there has not been significant expression of public concern, the government is willing to receive an indication of any problems which may exist. For administrative purposes, the A.T.V. legislation could be combined with the existing Snowmobile Act to provide a single act respecting off road recreational vehicles. This would not necessarily require that legislation apply in the same way to the two types of vehicles. Indeed, in the absence of public concern, there would be very little change in the application of the legislation with respect to snowmobile operation.

Notes

Notes

Comments _____

3. What driver licence requirements should there be when operating on **public** property?

No licence ☐

Regular driver licence only ☐

Special licence for underage drivers (i.e. under 16 years) ☐

Other _____

Comments _____

4. What training should A.T.V. operators have when operating on **public** property?

No training ☐

Special course for underage drivers only ☐

Other _____

Comments _____

Who would be best suited to offer such training: _____

_____

b) when operating on **private** property owned by soneone other than the A.T.V. owner?

Yes ☐

No ☐

If yes to a) or b), should the basic insurance coverage be:

Third Party Coverage Only ☐

Third Party plus Collision coverage ☐ *

Comments _____

*This is the present requirement for highway vehicles and snowmobiles and is provided through the Automobile Accident Insurance Act administered by S.G.I.

7. Should A.T.V. operators be required to seek permission of property owners when operating on **private** property?

Yes ☐

No ☐

Comments _____

Saskatchewan
Highways and
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A.T.V. Act Questionnaire

1. Do you agree there is a need for legislation affecting A.T.V.s?

   Yes ☐ No ☐

   Comments _____

2. a) What minimum age should be established for operation of A.T.V. s on **public** property?

   No age Restriction ☐

   Age ___ years unaccompanied ___

   Age ___ years if accompanied by an adult ___

   Comments _____

   b) Should there be a power restriction based on the age of the operator?

   No ☐

   Age ___ years ___

5. Should A.T.V.s be registered and carry special identification plates;

   a) when operating on **public** property?

   Yes ☐

   No ☐
   Comments _____

   b) when operating on **private** property owned by someone other than the A.T.V. owner?

   Yes ☐

   No ☐
   Comments _____

6. Should A.T.V.s be required to carry basic insurance;

   a) when operating on **public** property?

   Yes ☐

to use highways?

Yes - Unrestricted ☐

Yes - but only to cross highways? ☐

No ☐

Comments _____

12. Should helmets and face/eye protection be required when operating on **public** property?

Yes ☐

No ☐

Comments _____

13. Should seat belts be required on four wheel A.T.V.s with roll bars when operating on **public** property?

Yes ☐

No ☐

Comments _____

— Farm ☐

— A.T.V. owner ☐

— Concerned Citizen ☐

NAME (optional) _____

Municipal Government —

— Urban ☐

— Rural ☐

MUNICIPALITY/CITY _____

A.T.V. dealer ☐

NAME (optional) _____

Club or Organization ☐

NAME _____

8. Should A.T.V. operators be prohibited from operating on **public** property except when posted as A.T.V. routes or trails?

   Yes ☐

   No ☐

   Comments _____

9. Should A.T.V. operators be required to maintain all noise abatement equipment (mufflers) on their vehicle at near factory standards to minimize noise when operating on **public** property?

   Yes ☐

   No ☐

   Comments _____

10. Should normal "rules of the road" such as yield to pedestrians, yield to the right, pass on left, keep right when meeting, etc. apply to A.T.V.s operating on **public** property?

    Yes ☐

    No ☐

    Comments _____

11. Should A.T.V.s be permitted

14. Should A.T.V.s be required to have headlights and brake lights when operating on **public** property?

    Yes ☐

    No ☐

    Comments _____

15. What should the maximum penalty be for violations of the legislation?

    $ _____

16. Are there any changes you would like to see in the Snowmobile Act?

    Yes ☐

    No ☐

    If yes, please explain. _____

Return to: **Safety Services Branch**
2260 - 11th Avenue
Regina, Saskatchewan S4P 3V7

Please provide your postal code _____

The opinion expressed in responding to the questionnaire represents:

Saskatchewan
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Highway Traffic
Board